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PAPER NO.

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SEP 01 2005

OFFICE OF PETITIONS

In re Application of :
Yengoyan et al. :
Application No. 09/728,723 : LETTER REGARDING
Filed: November 30, 2000 : PATENT TERM ADJUSTMENT
Attorney Docket No. :
060825-5003 US :

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed April 22, 2005. Applicants disclose that the initial determination of patent term adjustment in the above-identified application should be corrected from five hundred sixty-one (561) days to five hundred thirty (530) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is **five hundred thirty (530)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On January 24, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 561 days. Applicants assert that the patent term adjustment does not reflect a reduction of 31 days for applicant's filing of a Request for Continued Examination (RCE) on November 8, 2004, three months and 31 days after the mailing date, July 8, 2004, of the final Office action.

Applicants state that the patent issuing from this application is not subject to a terminal disclaimer.

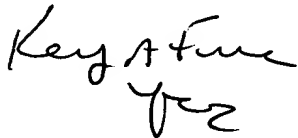
The application history has been reviewed, and it has been determined that applicants are correct. The additional period of reduction of 31 days pursuant to § 1.704(b) should have been entered.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is five hundred thirty (530) days (651 - (90 + 31)).

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks applicants for their good faith and candor in bringing this matter to the attention of the Office.

The application is being forwarded to the Office of Patent Publication for issuance of the application.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.

A handwritten signature in cursive script, appearing to read "Karin Ferriter".

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of adjusted PAIR calculation